



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

July 9, 2004

Action Requested

Post Notice as Indicated

To

Executive Officers of the Superior Courts
Fiscal Contacts of the Superior Courts

Deadline

As Soon as Possible

From

Christine M. Hansen
Director, Finance Division
Administrative Office of the Courts

Contact

Bob Fleshman
Finance Division
415-865-7531 phone
415-865-4325 fax
bob.fleshman@jud.ca.gov

Subject

Providing Public Notice

We are writing to you today to seek your assistance in providing public notice on items related to the trial court budget development process.

Rule 6.620 of the California Rules of Court (Attachment 1) details instances in which public access or notification to administrative decisions made by the trial courts is required. Relative to the trial court budget development process, Rule 6.620(c) states the following with regard to the submission of budget requests:

Prior to making recommendations, if any, to the Judicial Council on items to be included in the judicial branch budget that is submitted annually to the Governor and the Legislature, a trial court must seek input from the public, as provided in subdivision (e), on what should be included in the recommendations.

Because of the current fiscal environment, the state Department of Finance has indicated that they would only consider funding non-discretionary cost increases at this time. As a result, the fiscal year (FY) 2005–2006 trial court budget development process did not include the option for courts to submit funding recommendations or requests to the Administrative Office of the Courts (AOC)— but instead required only the reporting of cost information in the priority areas

approved by the Judicial Council at its February 27, 2004, business meeting. Because trial courts will not be submitting funding recommendations in this budget cycle, they are not required to provide notice or to solicit public input.

However, in the spirit of rule 6.620, we feel that it is important to notify interested parties of related actions taken during the FY 2005–2006 budget development process. To that end, the AOC has prepared a notice (see related attachment) for all courts to distribute pursuant to rule 6.620(g) as noted below.

Rule 6.620 Public access to administrative decisions of trial courts

(g) [Notice] When notice is required to be given by this rule, it must be given in the following ways:

- (1) Posted on the trial court's Web site, if any.
- (2) Sent to any of the following persons or entities—subject to the requirements of subdivision (h)—who have requested in writing or by electronic mail to the court executive officer to receive such notice:
 - (i) A newspaper, radio station, and television station in the county;
 - (ii) The president of a local or specialty bar association in the county;
 - (iii) Representatives of a trial court employees organization;
 - (iv) The district attorney, public defender, and county counsel;
 - (v) The county administrative officer; and
 - (vi) If the court is sending notice electronically using the provisions of subdivision (h), any other person or entity that submits an electronic mail address to which the notice will be sent.
- (3) Posted at all locations of the court that accept papers for filing.

Other than posting this notification, the trial courts have no further public access or notification obligations relating to the FY 2005–2006 budget development process at this time. Please note that we will continue to send reminders and supporting materials when public access and/or notification requirements are triggered as a result of actions taken by the Judicial Council or AOC staff.

If you have any questions about information contained in this memorandum, please contact Bob Fleshman as noted on the cover page.

Thank you.

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Attachments (2)

cc: AOC Regional Administrative Directors
Stephen H. Nash, Assistant Director of Finance, Office of Budget Management, AOC
Trial Court Regional Budget Support Unit, Finance Division, AOC
Trial Court Budget Program & Policy Unit, Finance Division, AOC
Labor and Employee Relations Unit, Human Resources Division, AOC
Michael Fischer, Senior Attorney, Office of the General Counsel, AOC